

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 8:05CR284
vs.)
TILOE C. WILLIAMS,)
Defendant.) ORDER

This case is before the court on the defendant Tiloe C. Williams' Motion to Suppress and Application for Franks Hearing (#13-1). The motion was heard on November 1, 2005. Michael Wellman, Assistant United States Attorney, represented the plaintiff, and Michael J. Hansen, Assistant Federal Public Defender, represented the defendant, who was present.

I find that the defendant has made a substantial preliminary showing that information may have been omitted from the search warrant affidavit and that such omission may have occurred with a reckless disregard for the truth. Franks v. Delaware, 438 U.S. 154 (1978).

I further find that the defendant's motion is granted in part. A Franks hearing will be held on November 16, 2005 at 9:00 a.m., at which the court will hear evidence regarding the confidential informant's financial relationship with the Omaha Police Department and the confidential informant's misdemeanor conviction in 2003 for providing false information to an Omaha Police officer.

I further find that the motion is denied as to all other allegations as the defendant failed to make a substantial preliminary showing that other information was omitted from the warrant affidavit, either intentionally or with reckless disregard for the truth and, that if

that information was provided, the issuing magistrate would not have found probable cause.

IT IS SO ORDERED:

1. The defendant's Motion to Suppress and Application for Franks Hearing (#13-1) is granted in part and denied in part.
2. A Franks hearing is set for November 16, 2005 at 9:00 a.m., before the undersigned magistrate judge.

Dated this 1st day of November 2005.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge